

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ANTHONY EVANS
Plaintiff

v.

CITY OF AUSTIN and JOHN DOE
Defendant

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CIVIL ACTION NO. 1:20-cv-1057-RP

DEFENDANT CITY OF AUSTIN'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE ROBERT PITTMAN:

COMES NOW, the City of Austin and files Defendant City of Austin's Original Answer, in response to Plaintiff's Original Complaint, and respectfully shows as follows:

ANSWER

Defendant denies the allegations in Plaintiff's introductory paragraph, page 1.

**I.
Parties**

Defendant lacks sufficient information to admit or deny the allegation in Paragraph 1.

Defendant admits allegations in Paragraph 2.

Defendant lacks sufficient information to admit or deny the allegations in Paragraph 3.

**II.
Jurisdiction and Venue**

Defendant lacks sufficient information to admit or deny allegations in Paragraphs 4-6.

Defendant admits allegations in Paragraph 7.

**III.
Facts**

Defendant admits allegations in Paragraphs 8-9.

Defendant lacks sufficient information to admit or deny allegations in Paragraphs 10-17.

Defendant denies allegations in Paragraphs 18-38.

Defendant lacks sufficient information to admit or deny allegations in Paragraph 39.

Defendant denies allegations in Paragraphs 40-43.

Defendant lacks sufficient information to admit or deny allegations in Paragraphs 44-48.

IV. Cause of Action

Defendant denies allegations in Paragraphs 49-50.

Defendant admits allegations in Paragraphs 51-54.

Defendant denies allegations in Paragraph 55-63.

Defendant admits the allegation in Paragraph 64.

V. Damages

Defendant lacks sufficient information to admit or deny allegations in Paragraphs 65-66.

VI. Affirmative Defenses

1. Defendant asserts the affirmative defense of qualified/official immunity for employee actions taken in the course and scope of employment with the City of Austin.
2. Defendant asserts the affirmative defense of governmental immunity for the City of Austin.
3. Defendant asserts that Plaintiff failed to mitigate damages, if any.
4. Defendant reserves the right to assert additional affirmative defenses as they become apparent.

**VII.
Prayer**

WHEREFORE, Defendant prays that all relief requested by Plaintiff be denied and all claims against Defendant be dismissed, and for costs, attorney's fees, and any additional relief to which it is entitled at law or equity.

RESPECTFULLY SUBMITTED,

ANNE L. MORGAN, CITY ATTORNEY
MEGHAN L. RILEY, CHIEF, LITIGATION

/s/ Chris Edwards
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that I served the foregoing on all parties or their attorneys of record, in compliance with the Texas Rules of Federal Procedure, this 12th day of November, 2020.

Via CM/ECF:

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